

<b>Delegated Report</b>			<b>Expiry Date:</b>	<b>24/04/2015</b>
<b>Officer</b>		<b>Application Number(s)</b>		
Matthias Gentet		2015/1209/A		
<b>Application Address</b>		<b>Application Type:</b>		
Adjacent to Whitefield Memorial Church Tottenham Court Road London W1T 4TF		Advertisement Consent		
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (If refusal)</b>	<b>Conservation</b>	<b>Recommendation(s):</b>	
			Refuse Advertisement Consent	
<b>Proposal(s)</b>				
Display of a digital illuminated signage measuring 6.6m x 3.4m x 0.4m at 1.9m from ground level from.				
<b>Consultations</b>				
Summary of consultation responses:		N/A		
<b>Site Description</b>				
<p>The site is set back from the main road and is sited between The American Church and a 6 storey commercial building with retail at ground floor and offices at upper levels. The site is located on the south-west side of Tottenham Court Road on the border of Charlotte Street conservation area and facing Torrington Place. The site is overlooking directly onto the junction of Tottenham Court Road with Torrington Place and 5/6 storey commercial buildings with retail at ground floor and offices at upper levels including Brook House - a Grade II* Listed Building – and all within Bloomsbury Conservation area. Tottenham Court Road and Torrington Place are both one way thoroughfares and include cycle lanes.</p>				
<b>Relevant History</b>				
<b><u>Application site:</u></b>				
N/A				
<b><u>Adjacent sites:</u></b>				
<p><u>A9601569</u> – (granted on 24/06/1997) - Display of free standing illuminated advertisements - Outside 80 - 81 Tottenham Court Road.</p> <p><u>2010/5338/A</u> – (granted on 01/12/2010) - Relocation of internally illuminated free-standing advertising column to the pavement in front of 80 &amp; 81 Tottenham Court Road - 80 - 81 Tottenham Court Road.</p> <p>The Council has a Planning Enforcement Initiative which seeks to remove unsightly advertisement hoardings in the Borough. The Council has successfully secured the removal of such advertisement hoardings across the borough as part of the initiative.</p> <p>In addition the Council's decision to refuse advertisement consent for similar schemes has been supported at appeal. A few examples of these are as follows:</p>				

2014/4102/A – (refused on 18/07/2014) - Display of a free standing internally illuminated sign - On the corner of York Way and Freight lane – Appeal dismissed on 08/01/2015.

2014/4108/A – (refused on 18/07/2014) - Display of a free standing internally illuminated sign in the forecourt - 138 Maida Vale – Appeal dismissed on 04/12/2014.

## **Relevant policies**

### **National and Regional Policy**

National Planning Policy Framework (2012)

The London Plan March 2015, consolidated with alterations since 2011

### **LDF Core Strategy and Development Policies**

#### **Core Strategy Policies:**

CS5 – Managing the impact of growth

CS14 – Promoting high quality places and conserving our heritage

CS17 – Making Camden a safer place

#### **Development Policies:**

DP17 – Walking, cycling and public transport

DP21 – Development connected to the highway network

DP24 – Securing high quality design

DP25 – Conserving Camden's Heritage

DP26 – Managing the impact of development on occupiers and neighbours

### **Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

#### **Camden Planning Guidance 2011 (as amended)**

CPG1 (Design) Chapter 3 & 8

#### **Charlotte Street Conservation Area Appraisal (24 July 2008)**

Bloomsbury Conservation Area Appraisal (18 April 2011)

#### **Fitzrovia Area Action Plan (paragraph 9.1) adopted**

**Planning Enforcement Initiative to remove unsightly advertisement hoardings in the Borough – updated 2013.**

## **Assessment**

### **Background**

The owner of the site has confirmed they consider the existing sign to benefit from deemed consent under Class 14 'Advertisement on sites used for preceding ten years for display of advertisements without express consent'. Photographic evidence shows that the digital hoarding currently on site has not been in place for 10 years. Photographic evidence demonstrates that a rolling display hoarding positioned at a lower level was in place in July 2006. It is clear that at some point since 2006, the sign was removed and replaced with a digital hoarding. Therefore the current sign is considered to be unauthorised and does not benefit from deemed consent.

Accordingly, an enforcement investigation has been opened in relation to the unauthorised sign in place at this site.

### **Proposal**

The application is for alterations to the orientation of the existing horizontally displayed digital sign. The existing digital display sign measures 6.42m in width x 3.3m in height and 0.4m in depth standing at 2m above street level and is edged at the bottom by a metal girder adding a further 435mm to the overall height of the sign bringing it to 3.74m. The proposed digital display sign will measure 3.4m in width x 6.6m in height x 0.37m in depth and will stand at 1.9m above street level with an overall advertising area of 18sqm.

The sign will be highly visible in views along Torrington Place and although running parallel to the street would be visible in views heading north along Tottenham Court Road.

By its very nature, the proposed digital sign is illuminated and displaying a sequence of 5 different advertisements. The proposed sign is in a sensitive location in close proximity to Whitfield Memorial Church (also known as the American Church), within and adjacent to a conservation area, overlooking onto a high level traffic thoroughfare - also include cycle lanes - and a traffic junction as well as Brook House (Grade II\* Listed building).

The proposal also offers the rejuvenation of the small landscaped area in front of the bottom part of the digital display sign to include replanting and the addition of a public bench. However, as this is not part of the advertisement structure then these works cannot be assessed as part of the advert consent application and would require full planning permission.

The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to only consider amenity and public safety matters in determining advertisement consent applications.

### **Amenity:**

#### Size and location:

The proposed digital sign is to be displayed in a portrait style position, replacing the landscape sitting of the digital sign currently in situ. The sign would be adjacent to a brick boundary wall and the 6-storey glazed modern building comprising commercial on the ground floor and offices above. The top of proposed digital sign would be positioned very close to the top of the second floor window of the adjacent 6-storey building. The sign would be seen above rather than as part of the ground floor level of commercial activity and because of its size and siting would stand out as very intrusive feature in the streetscene.

The sign is considered to be bulky and unduly dominant in the streetscene as it would tower over the pavement and the highway. While located in a commercial area the sign is considered to be an incongruous addition which is not in keeping with the character and appearance of the conservation area and the streetscape. Camden Planning Guidance 1 – Design states that if an area has a mix of uses or is predominantly in commercial use some poster or hoarding advertising may be acceptable where they satisfactorily related to the scale of the host building or feature and its surroundings. The guidance considers they are most suitable when ‘designed and positioned as an integral feature of the building’ rather than being a standalone structure as is proposed. The proposal is considered unacceptable in terms of its size and location and is contrary to Camden Planning Guidance CPG1 (Design).

The wider streetscene proposal would furtheracerbate the problem with visual clutter largely predominant along Tottenham Court Road which is overrun by street furniture which includes several public payphones, bus stops, bins, cycle stands, telecommunication cabinets, a street trading kiosk, various traffic signs, free standing advertisements – 4 of which are JC Decaux signage (applicant) located outside the conservation area, are non-illuminated, with an advertising face area less than 2.16sqm and thus benefiting from deemed consent.

The presence of the Brook House, a Grade II\* Listed building (housing Habitat and Heals) on the opposite side of the application site and the adjacent Whitfield Memorial Church requires that any new development be sensitive to the character and appearance of the surrounding area and adjacent buildings. Brook House and Whitfield Memorial Church are on the lists of buildings making a positive contribution to Bloomsbury and Charlotte Street conservation area respectively. The ground floor frontage of Brook House and 191-199 Tottenham Court Road are also recognised as being shopfronts of merits. [*Please refer to Bloomsbury and Charlotte Street Conservation Appraisal as detailed below*]

The proposal is contrary to policy DP25 (Conserving Camden's Heritage) and is further re-enforced by the Council only permitting developments within Conservation Areas that preserve and enhance the character and appearance of the area as well as not permitting developments that it considers would

cause harm to the setting of a listed building.

The proposed digital sign, in terms of its size, design and location is not in keeping with the surrounding area and the streetscene and will create visual clutter. It is considered that the proposal would be harmful to the character and appearance of the conservation areas, Listed and adjacent buildings and the streetscape contrary to policy CS14 (Promoting high quality places and conserving our heritage)

Policy CS14 also stresses that the Council is committed to improving Camden's streets and public spaces and encourages respect for local character and promotes high quality, clutter-free design to make streets and public places that are safe and easy to use for all. The proposal is contrary to the latter statement and is deemed to be unacceptable for reasons detailed above.

It must be noted that the adopted Fitzrovia Area Action Plan states in paragraph 9.1 that *We will consider serving a discontinuance notice to seek removal of the advertising hoarding in front of the deep shelter entrance on Tottenham Court Road (located south of 80-85 Tottenham Court Road). Any redevelopment of the area between the American Church and 80-85 Tottenham Court Road should remove the advertising hoarding.*

Both Bloomsbury Conservation Area Appraisal raises concerns over the impacts signage/advertisements have on the conservation area. The statement acknowledges the harm that hoardings can have on the visual amenity of frontages and the wider conservation area. Such hoardings are not considered acceptable forms of advertising within the Conservation Area because of their size and scale. The guidelines state such hoardings will be resisted where it is considered to detract from the character and appearance of the area.

The Charlotte Street Conservation Area Appraisal echoes these concerns and outlines that inappropriate excessive and illuminated signage can have detrimental impact on the character and appearance of the area. The appraisal states that 'building frontages, roads and pavements are all important elements of the public realm and the cumulative impact of small scale additions can have an overall detrimental impact on the character of the area.

Such additions are considered to include visual clutter from excessive signage (in particular along Tottenham Court Road including advertising hoardings, large fascia signs, banner signage and estate agents boards). It is considered that a proliferation of signage, even of an appropriate design, could harm the character of the conservation area. The Appraisal refers to the number of hoardings within the conservation area and includes the existing site located on the application sign and states it detracts from the visual amenity of the frontage. The guidelines state that these signs, as is proposed in this application are 'not considered acceptable forms of advertising within the conservation area because of their size and scale'.

The Council considers that the existing digital sign does not benefit from deemed consent and express consent has not been previously granted. On this basis, the sign is considered to be unauthorised and will be investigated under enforcement investigation ref: EN15/0326.

### **Public Safety:**

#### Method of illumination:

The proposed digital display sign would not only be facing onto one of London's main arteries with heavy traffic throughout the day and night and commuted on by cars, public transport, lorries, taxis, motorbikes and bicycles alike, but also fronting the junction of Tottenham Court Road with Torrington Place and its oncoming traffic. It is acknowledged that there is an existing sign in place. However, express consent has not been sought and the Council considers it to be unauthorised. The current sign is located at a lower level than the current proposal. The change of orientation of the sign thereby increases its visibility from further along both streets. This raises concerns over the safety of moving

traffic - including cyclists - and pedestrians caused by the illumination coupled with the large size and orientation of the advertising face area of the proposed digital sign which would then be seen from further back on Torrington Place, displaying a sequence of 5 different advertisements set at regular intervals.

The proposal would further add to the large amount of visual distractions – street furniture/clutter - already in place including numerous traffic signs. Due to the location of the proposed sign, the heads of some of the traffic lights would become obscured by the large digital display sitting right behind them depending on the direction of approach to the traffic junction, As such, the proposed digital sign, in terms of its size, method of illumination and location is considered to be inappropriate and is contrary to Camden Planning Guidance CPG1 (design) and policy DP21 (Development connecting to the Highway network) which states that *“the Council will expect works affecting highways to avoid causing harm to highway safety.”*

It is to be noted that some of the street clutter has been added over the years, and in some cases, has been in place for many years including the large cylindrical internally illuminated advertising tower some 20m away from the application site, opposite 80-81 Tottenham Court Road. The advertising tower was originally approved in 1997 (ref: 9601569) and was sited outside 82 Tottenham Court Road. It was moved some 8m away from its original position following approval in 2010 (ref: 2010/5338/A).

However, such a proposal would now be resisted and refused on the grounds listed above, in terms of its size, design, method of illumination, location, being overly dominant and bulky, creating visual and physical clutter and thus unacceptable for detrimental to the appearance and character of the streetscape and adjacent conservation area.

### **Conclusion:**

The proposed digital sign, by reason of its size, siting and method of illumination would result in an overly dominant addition which would be detrimental to the appearance and character of the streetscape and the conservation area contrary to Core Strategy Policies CS5 (Managing the impact of growth) and CS14 (Promoting high quality places and conserving our heritage) and Development Policies DP24 (Securing high quality design), DP25 (Conserving Camden’s Heritage) and DP26 (Managing the impact of development on occupiers and neighbours) of Camden's Local Development Framework.

The proposed digital sign, by reason of its size, siting and illumination close to a road and junction, would be likely to distract drivers' attention on the approach to traffic lights to the detriment of highway and pedestrian safety, contrary to Policy DP21 (development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.

### **Recommendation**

The application is recommended for refusal and warning of prosecution action to be taken.